

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**  
May 10, 2012

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No. 11-20354  
Summary Calendar

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Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FRANKIE L. SANDERS,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:10-CR-159-1

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Before REAVLEY, SMITH, and PRADO, Circuit Judges.

PER CURIAM:\*

Frankie L. Sanders appeals his conviction of embezzlement of union funds in violation of 29 U.S.C. § 501(c), for which he was sentenced to 18 months of imprisonment and \$10,078.40 of restitution. He argues that the district court erred in overruling his objection, based on *Batson v. Kentucky*, 476 U.S. 79 (1986), that the Government's decision to strike one of the prospective jurors was racially motivated. However, we have held that a defendant waives appellate review of a *Batson* claim by failing to dispute the prosecution's race-neutral

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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explanation for striking the prospective juror. *United States v. Arce*, 997 F.2d 1123, 1126-27 (5th Cir. 1993). By failing to dispute the Government's explanations, Sanders appeared to acquiesce in them. *See id.* at 1127.

AFFIRMED.